PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)* see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220	**FOR FURTHER ACTION** See paragraph 2 below
International application No. PCT/IB2005/050184	International filing date *(day/month/year)* 17.01.2005
Priority date *(day/month/year)* 20.01.2004	
International Patent Classification (IPC) or both national classification and IPC G06F17/30	
Applicant KONINKLIJKE PHILIPS ELECTRONICS, N.V.	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2005/050184

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ in written format

   ☐ in computer readable form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in computer readable form.

   ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 7-10, 15, 16, 19, 20

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination *(specify)*:

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. 7-10, 15, 16, 19, 20

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form
- ☐ has not been furnished
- ☐ does not comply with the standard

the computer readable form
- ☐ has not been furnished
- ☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:

   ☐ paid additional fees.

   ☐ paid additional fees under protest.

   ☒ not paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☐ all parts.

   ☒ the parts relating to claims Nos. 1-6, 11-14, 17, 18, 21

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3, 6, 14, 21
	No:	Claims	1,2,4,5,11-13,17,18
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-6,11-14,17,18,21
Industrial applicability (IA)	Yes:	Claims	1-6,11-14,17,18,21
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item IV.
Lack of unity of invention

The separate inventions/groups of inventions are:

1. Claims: 1-6, 11-14, 17, 18, 21

The first group of claims describes an apparatus (a generator), a system and a method for generating playlist, which appear to be characterised in the means/steps for
a) searching a source of material (e.g. a collection of songs) with usage of a first set of parameters in order to provide therefrom a first subset of identifications of items, and
b) searching said first subset of identifications with usage of a second set of parameters in order to provide therefrom a second subset of identifications of items (i.e. the playlist).

The multiple independent claims present in this group seem to describe different embodiments or configurations of the same alleged invention.
Dependent claims present in this group seem to describe different embodiments of the aforementioned alleged invention, characterised by different choices of the first and second sets of parameters so that they represent different personal preferences of the user.

The problem to be solved by the subject matter of these claims seems to be how to provide a scalable method/apparatus for generating a personalised playlist best suiting user's personal preferences out of a very large collection of media items (e.g. songs).

2. Claims: 7-10, 15, 16, 19, 20

The second group of claims describes an apparatus (a generator), a system and a method for generating playlist, which appear to be characterised in the means/steps for
a) searching a source of material (e.g. a collection of songs) with usage of a first set of parameters in order to provide therefrom a first subset of identifications of items, and
b) searching said first subset of identifications with usage of a second set of parameters in order to provide therefrom a second subset of identifications of items (i.e. the playlist),
where the first set of parameters is based on accesses to the items within the source of material, and searching the source of material further includes:

c) determining a frequency of access of each of a plurality of items within the source of material, and
d) selecting the identifications of items for inclusion in the first subset of identifications based at least in part on the frequency of access of each of the plurality of items.

Dependent claims present in this group seem to describe different specific embodiments or configurations of the same alleged invention.

The problem to be solved by the subject matter of these claims seems to be how to provide a user-friendly method/apparatus for generating a playlist out of a very large library of media items (e.g. songs), suitable for users unable to provide specific parameters which could be used for searching at the beginning of the playlist generation process (e.g. for users having difficulties with expressing their preferences) or/and for users which want to retrieve most popular media items ("top hits") only.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The common features of the claims in the two groups defined above are the following steps/means of/for:

a) searching a source of material (e.g. songs) with usage of a first set of parameters in order to provide therefrom a first subset of identifications of items and
b) searching said first subset of identifications with usage of a second set of parameters in order provide therefrom a second subset of identifications of items (i.e. the playlist)

These common features have been well known in the art at the priority date, e.g. from US-A-2003/0191753 (see abstract, 6, 46-58, 61, 64-65, 70-74, 90, figs.3A, 3B, 3C, 4, 6) or US-B-6526411 (see abstract, col.2 l.11-45, col.4 l.40 - col.5 l.24, col.6 l.55 - col.7 l.2, fig.3). Alternatively, consider that said steps/means are anticipated by the long well-known practice of searching media items (e.g. MP3 tracks) with the search engines like Google or Lycos with usage of the "search within (these) results" option, where a first set of parameters is given as query terms at the beginning of the search and a second set of parameters is given into the search engine in the second step to further refine the search and reduce the results' set.

Since all the said common features are known and the aforementioned two different groups of claims are directed to the solution of different problems, these two different groups of claims are neither linked by the same or corresponding special technical features nor is there a single inventive concept in the claims, and thus the claims lack unity of invention (Rule 13 PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1: US 2003/191753 A1 (HOCH MICHAEL) 9 October 2003 (2003-10-09)

D2: PAUWS S ET AL: "PATS: Realization and User Evaluation of an Automatic Playlist Generator" PROCEEDINGS OF 3RD INTERNATIONAL CONFERENCE ON MUSIC INFORMATION RETRIEVAL (ISMIR 2002), PARIS, FRANCE, 13 October 2002 (2002-10-13), - 17 October 2002 (2002-10-17) pages 1-9, XP002325429 INSTITUT DE RECHERCHE ET COORDINATION ACOUSTIQUE ET MUSIQUE IRCAM CENTRE POMPIDOU, PARIS, FRANCE

D3: US-A-5 886 698 (SCIAMMARELLA ET AL) 23 March 1999 (1999-03-23)

D4: US-B1-6 526 411 (WARD SEAN) 25 February 2003 (2003-02-25)

2 OBJECTIONS UNDER ARTICLE 6 PCT

Claims: 1 (together with its respective dependent claims), 4 and 18 do not meet the requirements of Article 6 PCT with regards to clarity for the following reasons:

a) the wording of claim 1 "a second selector that is configured to (...) provide therefrom a second subset (...) within the source of material **that facilitates** subsequent rendering (...)" is unclear (**what** facilitates rendering: the "selector"? the "second subset?" or maybe "the source of material?");

b) the terms "general" and "specific", as well as term "substantially time-invariant",

used with regards to "user preferences" in claims 4 and 18, respectively, are vague and unclear, thus leaving the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT).

3 INDEPENDENT CLAIM 1

3.1 Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.

3.2 The document D1, regarded as the closest prior art, discloses (the references in parentheses applying to this document):

A playlist generator (cf. §90 last five lines) comprising:

a) a first selector that is configured to search a source of material and to provide therefrom a first subset of identifications of items within the source of material (cf. §6 first four lines, §46 first four lines, §58 l.1-8 and l.16-23, §61 l.1-5, §65 l.5-12, §70-71, figs. 3A, 4 and fig.6 steps 601 and 602), based on a first set of user preferences (e.g. "parameters 301" being a list of genres of §58 l.5-8 and fig.3 or "general Jazz category" of §65 or other parameters related to user preferences, enumerated in §46-57), and

b) a second selector that is configured to search the first subset of identifications based on a second set of user preferences (i.e. the module for filtering "information received from the one or more nodes (...) based on a user's persona information" - cf. §6 last five lines, §46 l.11 - §57, §61 l.5 - p.5 right-hand col. l.1, §65 l.13-17, §71 l.10-14, §73, fig.6 step 603), and to provide therefrom a second subset of identifications of items within the source of material (§74, fig.6 step 604) that facilitates subsequent rendering of the items identified in the second subset (understood in the light of the present description and claim 17 as generating a playlist facilitating a playback of the songs identified by items from said second subset - cf. §38-39, §76, §78, §90 last five lines).

3.3 Because all the features of claim 1 have already been disclosed in D1, the subject-matter of the said claim does not meet the requirements of Article 33 (1)-(2) PCT in respect of novelty.

3.4 Moreover, a similar conclusion in respect to lack of novelty would be arrived at if any single of documents D3 or D4 were taken as the closest prior art (see e.g. D3: col.5 l.56 - col.7 l.14 and figs. 6, 7A, 7B, 8, or D4: abstract, col.2 l.11-45, col.4 l.40 - col.5 l.24, col.6 l.55 - col.7 l.2, fig.3)

4 INDEPENDENT CLAIMS 11 and 17

4.1 Independent claims 11 and 17 contain the same or corresponding features as claim 1 and therefore said independent claims do not meet the requirements of Article 33 (1)-(2) PCT in respect of novelty for the same reasons as stated above.

4.2 For the sake of completeness, it is pointed out that the subject-matter of claim 17 is anticipated by the long well-known practice of searching media items (e.g. MP3 tracks) with the search engines like Google or Lycos with usage of the "search within (these) results" option, where a first set of parameters is given as query terms at the beginning of the search and a second set of parameters is given into the search engine in the second step to further refine the search and reduce the results' set. Therefore, claim 17 does not meet the requirements of Article 33 (1)-(2) PCT in respect of novelty for those reasons either.

5 DEPENDENT CLAIMS 2-6, 12-14, 18, 21

5.1 The dependent claims 2-6, 12-14, 18, 21 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of Article 33 (1)-(3) PCT in respect of novelty or inventive step, respectively, since these features are either known from or suggested by the prior art (cf. D1 - D3) and/or specify merely common knowledge in the technical field of information retrieval.
For example, consider the following disclosure for claims 2-4, 12, 18, respectively:

5.2 For claims 2, 4, 12, 18 note that "parameters 301" of D1, being e.g. genres or "favorite artists", are clearly "time-independent user preferences" and/or "general user preferences", whereas some other elements of the "user's persona information" like e.g. "mood of a song", used as "the second set of user preferences" for subsequent filtering can be seen as "user preferences at a particular time" or "specific user preferences" (cf. §46-55, §58 l.5-8, §65, fig.3).
Alternatively, consider e.g. D3 col.6 l.5-15 or D2 p.1-2 sec. 2.1.

5.3 For claim 3 consider any aforementioned closest prior art document in combination with D2 p.1-2 sec. 2.1.

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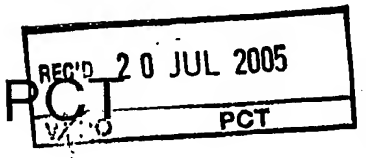
PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)* see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220	**FOR FURTHER ACTION** See paragraph 2 below
International application No. PCT/IB2005/050184	International filing date *(day/month/year)* 17.01.2005
Priority date *(day/month/year)* 20.01.2004	
International Patent Classification (IPC) or both national classification and IPC G06F17/30	
Applicant KONINKLIJKE PHILIPS ELECTRONICS, N.V.	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Laurentowski, A Telephone No. +49 89 2399-6039

Form (PCT/ISA/237) (Cover Sheet) (January 2004)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2005/050184

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ in written format

   ☐ in computer readable form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in computer readable form.

   ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 7-10, 15, 16, 19, 20

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination *(specify)*:

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. 7-10, 15, 16, 19, 20

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form
- ☐ has not been furnished
- ☐ does not comply with the standard

the computer readable form
- ☐ has not been furnished
- ☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:

   ☐ paid additional fees.

   ☐ paid additional fees under protest.

   ☒ not paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☐ all parts.

   ☒ the parts relating to claims Nos. 1-6, 11-14, 17, 18, 21

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3, 6, 14, 21
	No:	Claims	1,2,4,5,11-13,17,18
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-6,11-14,17,18,21
Industrial applicability (IA)	Yes:	Claims	1-6,11-14,17,18,21
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item IV.
Lack of unity of invention

The separate inventions/groups of inventions are:

1. Claims: 1-6, 11-14, 17, 18, 21

The first group of claims describes an apparatus (a generator), a system and a method for generating playlist, which appear to be characterised in the means/steps for
a) searching a source of material (e.g. a collection of songs) with usage of a first set of parameters in order to provide therefrom a first subset of identifications of items, and
b) searching said first subset of identifications with usage of a second set of parameters in order to provide therefrom a second subset of identifications of items (i.e. the playlist).

The multiple independent claims present in this group seem to describe different embodiments or configurations of the same alleged invention.
Dependent claims present in this group seem to describe different embodiments of the aforementioned alleged invention, characterised by different choices of the first and second sets of parameters so that they represent different personal preferences of the user.

The problem to be solved by the subject matter of these claims seems to be how to provide a scalable method/apparatus for generating a personalised playlist best suiting user's personal preferences out of a very large collection of media items (e.g. songs).

2. Claims: 7-10, 15, 16, 19, 20

The second group of claims describes an apparatus (a generator), a system and a method for generating playlist, which appear to be characterised in the means/steps for
a) searching a source of material (e.g. a collection of songs) with usage of a first set of parameters in order to provide therefrom a first subset of identifications of items, and
b) searching said first subset of identifications with usage of a second set of parameters in order to provide therefrom a second subset of identifications of items (i.e. the playlist),
where the first set of parameters is based on accesses to the items within the source of material, and searching the source of material further includes:

c) determining a frequency of access of each of a plurality of items within the source of material, and
d) selecting the identifications of items for inclusion in the first subset of identifications based at least in part on the frequency of access of each of the plurality of items.

Dependent claims present in this group seem to describe different specific embodiments or configurations of the same alleged invention.

The problem to be solved by the subject matter of these claims seems to be how to provide a user-friendly method/apparatus for generating a playlist out of a very large library of media items (e.g. songs), suitable for users unable to provide specific parameters which could be used for searching at the beginning of the playlist generation process (e.g. for users having difficulties with expressing their preferences) or/and for users which want to retrieve most popular media items ("top hits") only.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The common features of the claims in the two groups defined above are the following steps/means of/for:

a) searching a source of material (e.g. songs) with usage of a first set of parameters in order to provide therefrom a first subset of identifications of items and
b) searching said first subset of identifications with usage of a second set of parameters in order provide therefrom a second subset of identifications of items (i.e. the playlist)

These common features have been well known in the art at the priority date, e.g. from US-A-2003/0191753 (see abstract, 6, 46-58, 61, 64-65, 70-74, 90, figs.3A, 3B, 3C, 4, 6) or US-B-6526411 (see abstract, col.2 l.11-45, col.4 l.40 - col.5 l.24, col.6 l.55 - col.7 l.2, fig.3). Alternatively, consider that said steps/means are anticipated by the long well-known practice of searching media items (e.g. MP3 tracks) with the search engines like Google or Lycos with usage of the "search within (these) results" option, where a first set of parameters is given as query terms at the beginning of the search and a second set of parameters is given into the search engine in the second step to further refine the search and reduce the results' set.

Since all the said common features are known and the aforementioned two different groups of claims are directed to the solution of different problems, these two different groups of claims are neither linked by the same or corresponding special technical features nor is there a single inventive concept in the claims, and thus the claims lack unity of invention (Rule 13 PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1: US 2003/191753 A1 (HOCH MICHAEL) 9 October 2003 (2003-10-09)

D2: PAUWS S ET AL: "PATS: Realization and User Evaluation of an Automatic Playlist Generator" PROCEEDINGS OF 3RD INTERNATIONAL CONFERENCE ON MUSIC INFORMATION RETRIEVAL (ISMIR 2002), PARIS, FRANCE, 13 October 2002 (2002-10-13), - 17 October 2002 (2002-10-17) pages 1-9, XP002325429 INSTITUT DE RECHERCHE ET COORDINATION ACOUSTIQUE ET MUSIQUE IRCAM CENTRE POMPIDOU, PARIS, FRANCE

D3: US-A-5 886 698 (SCIAMMARELLA ET AL) 23 March 1999 (1999-03-23)

D4: US-B1-6 526 411 (WARD SEAN) 25 February 2003 (2003-02-25)

2 OBJECTIONS UNDER ARTICLE 6 PCT

Claims: 1 (together with its respective dependent claims), 4 and 18 do not meet the requirements of Article 6 PCT with regards to clarity for the following reasons:

a) the wording of claim 1 "a second selector that is configured to (...) provide therefrom a second subset (...) within the source of material **that facilitates** subsequent rendering (...)" is unclear (**what** facilitates rendering: the "selector"? the "second subset?" or maybe "the source of material?");

b) the terms "general" and "specific", as well as term "substantially time-invariant",

used with regards to "user preferences" in claims 4 and 18, respectively, are vague and unclear, thus leaving the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT).

3 INDEPENDENT CLAIM 1

3.1 Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.

3.2 The document D1, regarded as the closest prior art, discloses (the references in parentheses applying to this document):

A playlist generator (cf. §90 last five lines) comprising:

a) a first selector that is configured to search a source of material and to provide therefrom a first subset of identifications of items within the source of material (cf. §6 first four lines, §46 first four lines, §58 l.1-8 and l.16-23, §61 l.1-5, §65 l.5-12, §70-71, figs. 3A, 4 and fig.6 steps 601 and 602), based on a first set of user preferences (e.g. "parameters 301" being a list of genres of §58 l.5-8 and fig.3 or "general Jazz category" of §65 or other parameters related to user preferences, enumerated in §46-57), and

b) a second selector that is configured to search the first subset of identifications based on a second set of user preferences (i.e. the module for filtering "information received from the one or more nodes (...) based on a user's persona information" - cf. §6 last five lines, §46 l.11 - §57, §61 l.5 - p.5 right-hand col. l.1, §65 l.13-17, §71 l.10-14, §73, fig.6 step 603), and to provide therefrom a second subset of identifications of items within the source of material (§74, fig.6 step 604) that facilitates subsequent rendering of the items identified in the second subset (understood in the light of the present description and claim 17 as generating a playlist facilitating a playback of the songs identified by items from said second subset - cf. §38-39, §76, §78, §90 last five lines).

3.3 Because all the features of claim 1 have already been disclosed in D1, the subject-matter of the said claim does not meet the requirements of Article 33 (1)-(2) PCT in respect of novelty.

3.4 Moreover, a similar conclusion in respect to lack of novelty would be arrived at if any single of documents D3 or D4 were taken as the closest prior art (see e.g. D3: col.5 l.56 - col.7 l.14 and figs. 6, 7A, 7B, 8, or D4: abstract, col.2 l.11-45, col.4 l.40 - col.5 l.24, col.6 l.55 - col.7 l.2, fig.3)

4 INDEPENDENT CLAIMS 11 and 17

4.1 Independent claims 11 and 17 contain the same or corresponding features as claim 1 and therefore said independent claims do not meet the requirements of Article 33 (1)-(2) PCT in respect of novelty for the same reasons as stated above.

4.2 For the sake of completeness, it is pointed out that the subject-matter of claim 17 is anticipated by the long well-known practice of searching media items (e.g. MP3 tracks) with the search engines like Google or Lycos with usage of the "search within (these) results" option, where a first set of parameters is given as query terms at the beginning of the search and a second set of parameters is given into the search engine in the second step to further refine the search and reduce the results' set. Therefore, claim 17 does not meet the requirements of Article 33 (1)-(2) PCT in respect of novelty for those reasons either.

5 DEPENDENT CLAIMS 2-6, 12-14, 18, 21

5.1 The dependent claims 2-6, 12-14, 18, 21 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of Article 33 (1)-(3) PCT in respect of novelty or inventive step, respectively, since these features are either known from or suggested by the prior art (cf. D1 - D3) and/or specify merely common knowledge in the technical field of information retrieval.
For example, consider the following disclosure for claims 2-4, 12, 18, respectively:

5.2 For claims 2, 4, 12, 18 note that "parameters 301" of D1, being e.g. genres or "favorite artists", are clearly "time-independent user preferences" and/or "general user preferences", whereas some other elements of the "user's persona information" like e.g. "mood of a song", used as "the second set of user preferences" for subsequent filtering can be seen as "user preferences at a particular time" or "specific user preferences" (cf. §46-55, §58 l.5-8, §65, fig.3).
Alternatively, consider e.g. D3 col.6 l.5-15 or D2 p.1-2 sec. 2.1.

5.3 For claim 3 consider any aforementioned closest prior art document in combination with D2 p.1-2 sec. 2.1.